Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

http://www.archive.org/details/messageofexecuti1874whyt

[Document A.]

BY THE HOUSE OF DELEGATES,

JANUARY 8, 1874.

Read and 3,500 copies ordered to be printed.

By order,

MILTON Y. KIDD,

Chief Clerk.

MESSAGE

OF

THE EXECUTIVE

TO THE

General Assembly

OF

MARYLAND,

At its Regular Session, January, 1874.

ANNAPOLIS:
S. S. MILLS & L. F. COLTON, Printers to the House of Delegates.

1874.

Maryland
I
87
.M3
1874
House

MESSAGE.

Senators and Gentlemen
of the House of Delegates:

In the discharge of the duty, imposed by the Constitution upon the Governor, to inform the Legislature, from time to time, of the condition of the State, and to recommend to their consideration such measures, as he may judge necessary and expedient, I shall endeavor to confine myself to matters of practical importance, and present my views without verbiage.

Since the creation of the Treasury Department, (consisting of the offices of Comptroller and Treasurer,) under the Constitution of 1851, and its adoption by the subsequent Constitutional Conventions, the Executive Department has been relieved of the general supervision and management of the finances of the State. Consequently, at the last session, I deemed it to be my duty, without regard to my own opinion, as to their probable efficacy, to give Executive consent to all those measures emanating from that department, which, it was supposed by the Comptroller, would advance the public interest and increase the revenue of the State.

Actuated by the same sentiments, I shall not entrench upon the province of that co-ordinate branch of the State Government, by recommending the passage of bills, not suggested by the Comptroller. To him belong the care and responsibility of managing this intricate part of the

173499

public service, and to him, also, should attach the credit of devising schemes, that may redound to the financial honor of the State and promote its material prosperity.

He is required to report, directly to the General Assembly, full details of all his proceedings, and of the state of the Treasury Department, and from that report you will find, that the State finances are in a most healthful condition.

The following condensed Statement will furnish you with succinct information on that subject:

The receipts for the fiscal year ending 30th September 1873, were	$2,432,677 48
Balance in Treasury September 30th, 1872	339,171 10
Total	$2,771,848 58
The disbursements during the same fiscal year were	2,287,038 36
Leaving in the Treasury, as of the 1st of October 1873,	$484,810 22
The aggregate debts of the State, for which interest has to be provided, were, on the 30th September 1873	$10,741,215 60
The State holds in productive assets, as appears from the Comptroller's Report	4,522,043 46
Leaving the State debt over and above its assets, estimated as productive	$6,219,172 14

To meet this surplus of debts, however, there are unproductive assets, amounting to $21,608,694.51.

It is expected that the indebtedness of the Chesapeake and Ohio Canal Company to the State, accounting the original investments and accrued interest, and amounting to $20,136,253.97, will, before many years, be transferred from the schedule of unproductive assets to that of interest paying securities, and thus there will be furnished a fund, from which ample means will be obtained to retire the public debt, and leave a large balance over and above all the liabilities of the State.

In support of this anticipation, the last Report of the

President and Directors of the Chesapeake and Ohio Canal Company, for the quarter, ending November 30th, 1873, will be laid before you, and will, deservedly, enlist your attention.

The net revenue for that quarter was..... $126,565 19
Being an increase over the same quarter of
1870, of..... 77,230 16
And over that of 1871 of..... 5,099 02
And over that of 1872 of 37,614 10

Notwithstanding the many drawbacks to the successful working of the Canal, occasioned by the epizooty among the horses and mules, low water and severe storms, damaging, seriously, many parts of the Canal, together with the unprecedented financial panic during the eighteen months past, under its present management, it will be gratifying to you to observe the marked increase in the revenues of the Company, and the evidence of the improved condition of the Canal itself, in this exhibit of the President and Board of Directors.

The revenue that accrued from all sources from June 1st, 1872, to Nov. 30th, 1873, was..... $817,652 10

The following comparative Statement will show the increase in revenue as compared with the corresponding period, ending 30th November 1871:

	From Tolls.	Water Rents.	Rents of Houses and Lands.	Interest on Deposits.	Fines, Penalties & Miscellaneous.	Repayments	TOTAL.
June 1, 1870, to Nov. 30, 1871	$719,499 92	14,718 85	3 232 18	5,703 78	236 17	.....	743,390 90
June 1, 1872, to Nov. 30, 1873	790,463 37	14,390 92	3 143 25	6,506 85	896 69	2,251 02	817,652 10
Increase.....	$70,963 45	.....	.....	803 07	660 52	2,251 02	74,261 20
Decrease.....	.....	327 93	88 93	.....	.....	.....	.....

The revenue over expenses from June 1st, 1872, to November 30th, 1873, was..... $450,397 46
The revenue over expenses from June 1870, to Nov. 30th, 1871..... 410,437 43

Increase in net revenue in favor of 1873, $39,960 03

The amount paid on account of bonds and other debts of the Company from June 1st, 1872, to 30th Nov. 1873, was	$415,620 93

Under the decision of the Court of Appeals, the surplus revenues are to be used, first, to pay the Repair Bonds, and then to the payment of the overdue coupons on the Preferred Construction Bonds; after the overdue interest has been liquidated, the accruing interest on these bonds must be paid; then $5,000 per year to the holders of the bonds issued to the creditors of the Potomac Company; then the Sinking Fund for the payment of the principal of the Preferred Bonds, as prescribed by the 5th Section of the Act of 1844.

And after the above payments shall have been made, the entire surplus revenue shall be applied to the discharge of the principal and interest of the liens and claims of the State of Maryland.

All of the Repair Bonds, including overdue and accruing interest, amounting in the aggregate to $432,968.38, have been paid and the bonds destroyed.

Of the Preferred Construction Bonds issued under the Act of 1844, the principal is	$ 1,699,500 00
The whole amount appropriated on account of overdue coupons on these bonds since December 1871, was	584,850 00
Of which amount, as heretofore stated, the present management has appropriated	407,880 00
And there yet remains due and unpaid the interest from July 1st, 1858, amounting to, including coupon due January 1st, 1874	1,580,535 00

Should the revenues of the Canal Company continue to justify the retirement of the overdue coupons, in the same

manner as at present, it will take, as the above figures will show, about eight years to pay off the overdue interest on these Preferred Construction Bonds, and put the State in condition to receive some interest on its large investments in this valuable work.

It is a matter of congratulation, that these results have been attained, notwithstanding the change in the office of President of the Canal Company, and a reduction of that officer's salary from $10,000 per annum to $4,000 a year; a measure of economy, at this time, in accord with an enlightened public sentiment.

The performance of the duty required of the Governor by Section 18, of Article 2 of the Constitution, has satisfied me of the faithful, diligent and judicious discharge of all their official obligations by the officers of the Treasury Department.

The importance of protecting the citizens of this State in their contracts of insurance, induced the Legislature at its last session to pass the Law, Chapter 388, creating a Bureau in the Office of the Comptroller, known as the Insurance Department, and authorizing the appointment of an Insurance Commissioner by the Comptroller.

That officer has duly organized his Bureau and has made several highly satisfactory reports, the last of which will accompany the Report of the Comptroller, and will furnish full tabular statements of the condition and standing of the various Companies doing business in this State.

Under the provisions of this law, the increase of the revenue from licenses to Foreign Insurance Companies for 1872, over that of 1871, was.....	$	20,617 78
And for the year 1873, over 1872...		17,970 89
And for the year 1873 over 1871.....		38,588 67

Being a revenue, as will be seen, more than double the

amount received during the year prior to the establishment of the Insurance Department.

The Act of 1872, Chapter 329, in relation to the punishment of defaulters to the State by imprisonment in the Penitentiary, needs revision and alteration. The penalty to be imposed by the Court in case of conviction, is to be imprisonment in the State Prison "not less than one year nor more than five years, *unless the amount for which he is a defaulter be sooner paid,*" which is rather an anomalous provision in a Statute, relating to criminal offences.

Does it not take the pardoning power from the Executive and lodge it with the Court or the Comptroller? for a sentence of such character may place a convict in the Penitentiary to-day and release him to-morrow, if he pays his indebtedness. Such a provision seems to me to be unconstitutional, and against public policy and good morals. Amid the mass of bills in manuscript, presented at the close of the Session, this particular clause escaped me; otherwise it should have been lost for want of my approval.

By Resolution, No. 11, of the Session of 1872, the Governor was requested, if in his judgment the same was advisable, to employ counsel to sue the Baltimore Equitable Society, to recover the amount claimed to be due on a policy of insurance on one of the State Tobacco Warehouses, destroyed by fire in 1870, provided, the counsel was to be entitled only to compensation out of the amount recovered. Believing the claim of the State to be equitable, even if not enforcible, in a Court of Law, I placed the matter in the hands of J. A. L. McClure, Esq., attorney-at-law in Baltimore city, upon the terms of the Resolution as to compensation, and I am pleased to say, that after considerable negotiation, he was able, with my approval, to secure a compromise of the case, and obtained

the sum of $4,500, which, less his commission, has been paid into the State Treasury. I deem it due to the officers of the "Baltimore Equitable Society" to say, that while disputing the claim of the State, as well in law as in equity, they met the matter in a spirit of fairness and compromise, which led to the result above stated.

Hon. Daniel Clarke and S. I. Wailes, Esq., Commissioners on the part of this State, have received from the United States and paid into the State Treasury the sum of $4,141.71, due under the provisions of the Act of Congress of July 27th, 1861. This sum has been paid on account, while a considerable balance of the claim remains unadjusted.

At the instance of the late Secretary of State, Chapter 350, of the Acts of 1872, was passed, imposing a tax of ten dollars upon all commissions, issued to non-residents, to take acknowledgment of deeds, &c., to be used in this State. The State Treasury has realized, from this tax, the sum of $820 since April 1st, 1872.

The report of the State Board of Education, showing the condition of the public schools, for the year ending September 30, 1873, will be laid before you.

It will exhibit the gratifying evidence of an increase in the number of schools, teachers and pupils, over that reported last year.

The recommendations, contained in it, are entitled to your careful consideration.

The general system of public instruction now in force, seems, in the main, to be worthy of commendation.

I have some doubts about the constitutionality of the provision of law, which vests the appointment of the Boards of County School Commissioners in the hands of the Judges of the Circuit Courts, as this duty is not judicial in its character, and I presume the failure by the Judg-

es to make such appointments, would not involve them in any charge of dereliction of duty. So important an act, however, should not be dependent on the volition of the appointing power.

The Normal School demands your special attention.—The systematic training of teachers is one of the most important elements in the advancement of public education.

The preparation of persons, for the arduous and delicate duty of monitorial instruction, is the object to be accomplished by the Normal School, and its need can scarcely be questioned. The operations of the school have been confined within narrow quarters, for some time, and even these do not furnish a permanent abiding place. The school is conducted in a rented building, and its work may be disturbed at any time, by the action of the proprietor of the premises.

A State institution of such importance should not hold its business location by such precarious tenure. I recommend, therefore, the appointment of a board, composed of the Governor, the Attorney General and the Principal of the State Normal School, to select a site for a proper building; and I also suggest the passage of an appropriation large enough to secure the lot and erect a building, suitable for the purposes of the school, and worthy of the liberality of the State. I congratulate the people of the State, that they have at the head of that school, such an accomplished Principal, who is able, not only to send forth from its walls, well disciplined and educated teachers, but to do this most valuable work, with such a small outlay of the public money. A careful study of this report and its tabular statements will amply repay for the labor of its perusal.

St. John's College appears to be doing, at this time, a fair work in returning to the State, some fruits for the outlays heretofore made for its sustentation.

In addition to its annuity of $3,000, the General Assembly, at the session of 1872, by chapter 393, uppropriated to it the sum of $12,000 per annum, for six years, thus renewing the same donation which the College had enjoyed for the six preceding years; it also gave the College $5,000 for the improvement of the "College Library, Labaratory, Philosophical Apparatus and Cabinet;" and, in addition, appropriated $10,000 a year, to furnish board, fuel, lights and washing, to two free students, "in the collegiate course, from each senatorial district of the State."

I cannot believe, that, under the present system, the State can receive a return for this liberal expenditure, commensurate with its reasonable expectations. The sending of boys, from the primary schools to this college, can scarcely be beneficial to them, and, certainly, is not productive of much advantage to the State. The law contemplated the entrance of such students at once, upon a "collegiate course," but many of them are wholly unfitted, by antecedent preparation, for such an undertaking, and are necessarily placed in the preparatory department, where they avail of the munificence of the State, without really gaining the benefits of an entire college course. The difficulty, no doubt, is occasioned by the want of a connecting link between the primary school and the college, which can only be supplied by the establishment of high schools in all the counties, and from the graduates of these high schools, should be taken the beneficiaries of the State at St. John's College. Several new high schools have been established during last year, but many more are needed. The Act of 1872, Chap. 393, is defective in this particular. It requires a bond to be given by each free student, conditioned, that he will teach school within the State for two years after he leaves college, which plainly meant after enjoying the benefit of the entire college course, but no pro-

vision is made for the case of a student who leaves the college, or is removed from it before the completion of his course, and in such case, though he may have had three years' education, there is nothing to require him to render to the State any return, either in money or by the impartation of knowledge to others, who may be entitled to educational help from the State.

The governing power in the college, in my judgment, is too unwieldy for close and systematic effort towards raising the standard of education at that institution. The Board of Visitors and Governors might be dispensed with, and Trustees, few in number, and specially interested in the cause of education, might be substituted, so that by constant and continuous action in the same direction, some more creditable results may be achieved.

If the management of the college can be put upon such basis as to ensure the judicious expenditure of the bounty of the State, I commend it to your liberal consideration.

In the light of the sentiment, contained in the Declaration of Rights, that the Legislature ought to encourage "the extension of a judicious system of education," it must be as much a duty to sustain these institutions of learning, which teach the higher branches of education, as it is to support the common schools of the State.

The "Maryland Agricultural College," under its re-organization, and the management of its intelligent President and efficient corps of. Professors, is satisfactorily performing its branch of labor in the cause of education.

In compliance with the terms of the Act of Congress, of July 2d, 1862, granting land scrip to the several States, the course of study has been arranged with a view to give prominence to instruction in Agriculture and the Mechanic Arts, while at the same time, the pupils can also pursue the study of the classics and modern languages.

The College deserves and should receive your generous support and encouragement.

Under the provisions of Chapter 53, of the Acts of 1866, the State, being owner of a moiety of the property, was represented in the Board of Trustees, by the "State Board of Education," then consisting of the Governor, Lieutenant-Governor, Speaker of the House of Delegates and the State Superintendent of Public Instruction, and, subsequently, by Chapter 320, of the Acts of 1868, the President of the Senate was substituted for the Lieutenant-Governor; no such officer being recognized in the Constitution of 1867. By subsequent legislation, the composition of the State Board of Education has been changed, and under the provisions of Chapter 377, of the Acts of 1872, that Board is made up of four appointees of the Governor, taken from the Presidents and Examiners of the County School Boards, and the Principal of the State Normal School. By the same Act, the Principal of State Normal School is made *ex-officio* a Trustee of the State Agricultural College, in the place of the State Superintendent of Public Instruction, whose office had been abolished. From this clause in the Act of 1872, Chap. 377, it is manifest, that the Legislature did not contemplate the substitution of this new State Board of Education, as the Trustees on the part of the State, in the Agricultural College, and consequently the Board of Trustees have continued to recognize the Governor, the President of the Senate and the Speaker of the House of Delegates, with the Principal of the Normal School, as the proper representatives of the State; but there should be some legislation on the subject, making these officers *ex-officio* Trusteas of that institution. The matter should not be left to inference, but made distinct by plain provision of law.

It is proposed to lay, at the College, a foundation for a colony of English farm hands, by engaging some pioneers in the work upon the farm, and thus establishing a nucleus for such immigrants to cluster around, and then to distribute them among the farmers of the State. It is

plain, that a new system of agriculture must be adopted in Maryland. It is hardly possible for our farmers to grow grain in competition with the agriculturists of the West, and it will be far more judicious to turn our lands to other and more remunerative culture. This will require skilled labor, in the production of fruits and garden stuff, for which our soil is specially adapted.

A similar colony of Sweedes has been successfully established in the State of Maine, and considering the immense volume of English immigration, promised the coming spring, it will be madness to lose the opportunity of turning some of it to our doors.

I earnestly press this matter on your attention, and recommend, that some aid be granted to the Trustees of the College in furthering their laudable undertaking.

The successful progress of the Maryland Institute for the promotion of Mechanic Arts, fully justifies the appropriation made by Chapter 198, of the Acts of 1868, and from my own observation of the practical good, which it accomplishes, I should be glad to see that appropriation increased.

The blessings of an elementary education cannot be too highly estimated, but what can be so beneficial under a republican government, as a knowledge of the useful arts, and by its development to secure the accretion of wealth to the country, which is always achieved by the efforts of skilled and scientific labor?

The dedication of $50,000, by the Legislature, at its last session, to the establishment of schools for colored children, has resulted beneficially, in some quarters, but there is reason to believe that, in other sections, this bounty of the State has not been judiciously applied. An investigation of this subject, by the proper committee, is desirable, and at the same time, I would commend to that committee an examination into the manner, in which the State's donations to academies are expended, for the purpose of ascertaining what results are achieved by their disbursement.

The Colored Normal School is progressing, as I am informed, very satisfactorily, and is an important adjunct to the general system of schools for colored children. Indeed, without its aid in providing the teachers, the good intentions of the Legislature, in behalf of the education of colored children, would be greatly, if not entirely frustrated.

Your aid, in its support, has been most worthily bestowed, and I commend it to you for a renewal of the appropriation, which was made by Chapter 253, of the Act of 1872. The report of the Trustees accompanies this message.

The Report of the Directors of the Maryland Penitentiary presents, I feel confident, the most satisfactory exhibit of the affairs of that Institution, which has been made since its establishment.

It will be observed, that (probably for the first time in its history,) it has been self-sustaining, and that for the year, ending November 3d, 1873, its earnings have exceeded its expenditures, by the sum of $5,638.42, which will be paid into the Treasury of the State, as required by law.

This result has been achieved without, in any way, abridging the usual comforts and proper nourishment of the prisoners, but on the contrary, they have been within the last two years supplied with pillows and bed linen, not heretofore furnished them, as well as with a renewal of their bedding, which hadbecome dilapidated and worn out.

This gratifying financial condition of the prison, bears the best testimony to the fidelity and sound judgment of the Board of Directors, and to the efficiency and good discipline, maintained by the Warden and his subordinate officers, all of whom are entitled to your highest commendations for an earnest, zealous and humane discharge of duty. Personal inspection of the prison justifies this encomium.

The various recommendations contained in this Report are worthy of your earnest consideration.

It will be seen, that among the convicts, there are seven persons, hopelessly insane. Considerations of humanity should impel us to provide for their removal to the Maryland Hospital. They cannot be properly cared for in the Penitentiary, and are a serious burden to its management. I suggest, that a law be passed, authorizing the Governor, on giving the notice prescribed by the Constitution, to commute their sentances to imprisonment in the Hospital. The Act of 1868, Chapter 352, was passed, I presume, under the belief, that it would reach these cases, but its constitutionality may well be doubted, in that it gives the Governor power to change the sentence of a Court of Law, without giving the notice required by the Constitution, and it is also unjust in its provision, requiring the Directors of the Penitentiary to pay the expenses of these insane convicts, out of the funds of that Institution.

During the last two years, the pardoning power has been exercised in comparatively few instances; considering the average yearly number of prisoners, more rarely I believe, than during the administrations of my predecessors.

A Statement from the Prison Records for the last eleven years, will exemplify this:

Years.	Average number in Prison.	Pardoned.
1863.....	384	20
1864.....	413	26
1865.....	396	50
1866.....	541	23
1867.....	667	108
1868.....	648	130
1869.....	648	64
1870.....	685	87
1871.....	669	67
1872.....	669	*71
1873.....	600	26

*Of this number, 36 were pardoned by Governor Whyte. The others by Governor Bowie and the President of the United States.

It is a power, properly lodged with the Executive, and while it subjects him to severe trials and perplexities, and involves, in its exercise, grave responsibility, there are many cases, occurring from time to time, which the common feelings of humanity commend for prompt action and relief.

There are instances, when a convict, after a partial service of a term of imprisonment, shows signs of penitence and a desire to lead a better life, and having friends in other States or Territories, applies for pardon, on condition, that he shall leave the State and not return thereto.

In compliance with Section 8, of Article 42, of the Code of General Laws, I have, on several occasions, pardoned upon this condition.

The Constitutionality of this law has been questioned, but in a case recently before the Supreme Bench of Baltimore city, that tribunal pronounced it, free from any such objection. I have no doubt, that this decision would be affirmed by the Court of Appeals, but the terms of the law are not broad enough in their scope, and it needs amendment.

The 8th Section above referred to, provides only for the case of a person, pardoned on condition of leaving the State, who shall *return* contrary thereto, but there is no provision for the case of a person, pardoned on the same condition, who after his discharge from the Penitentiary, *refuses to leave* the State, notwithstanding this condititon of his pardon.

The same penalty should attach, and the same proceedings had, in the case of a party, who, for forty-eight hours, refuses or neglects to leave the State, as in the case of one, who returns contrary to the terms of his pardon; and I

suggest this amendment to the Eighth Section of Article 42.

It is desirable, that prisoners confined in the Penitentiary, who shall so conduct themselves, that no charge for misconduct can be made against them, should have a deduction of time from their sentences, upon a fair scale to be distinctly set forth in the law, providing for such commutation. In this way, the necessity of exercising the pardoning power would be greatly abridged.

The number of persons, confined in the city and county jails, supported at the expense of the public, and contributing nothing by way of labor, in return, has of late years so much increased, as to demand your serious reflection and inquiry, whether some means cannot be devised to relieve the cities and counties of this burden.

Many of these prisoners are drunkards and idlers, who commit petty offences, for the very purpose of securing lodgings and support in the jails, and often in the jail of Baltimore city, there are to be found old prisoners, who regularly spend half the year within its walls.

I commend to your consideration the propriety of the establishment of a House of Correction for such prisoners, and also for the younger convicts, who are now sentenced to the Penitentiary. If some island, as for instance, Sharp's island, in the Chesapeake Bay, could be secured, and arranged for such a colony of prisoners, who shall be occupied in useful branches of trade, similar to those, pursued in the Penitentiary, with less of the rigorous administration required for hardened criminals, I am quite sure, with the experience of the management of the Penitentiary before us, such an Institution could, in a few years, be made self-supporting.

The death-penalty has been carried into effect during

the last two years, in seven instances, and two persons are now under sentence, awaiting execution. Some provision should be made for the execution of felons, which would prevent the indecent and shocking scenes, which are so often attendant on these occasions. I ask your serious consideration of this matter, and trust, that your wisdom may devise a law, which shall reach and put an end to the evils referred to.

No one can doubt, that the infliction of punishment for crime should be uniform throughout the State, and this element of justice should be kept prominently before the Courts, exercising jurisdiction in criminal cases. The length of the terms, for which parties guilty of the same grade of offences, are sentenced in the several Courts of the State, differ so widely, as to produce, among the prisoners, a bitter feeling at the manifest inequality of punishment. The criminal laws need revision in this matter of sentences, and they should be so altered, as to ensure, as far as possible, the same measure of punishment for the commission of crimes of the same grade, in all parts of Maryland.

I beg to call your attention to the fact, that, under the Constitution, jurisdiction in the trial of criminal cases is vested in the Circuit Courts and the Criminal Court of Baltimore City, and that such cases cannot, in my judgment, be made a part of the jurisdiction of Justices of the Peace.

During the last Session, I felt it incumbent on me to withhold my approval from several bills, which were at variance with this constitutional provision.

While referring to the jurisdiction of Justices of the Peace, I suggest the repeal of the Act of 1870, Ch. 45, increasing the number of Justices of the Peace for Baltimore city, and the restoration of the number, to which that city

was entitled prior to the passage of the Act of 1870. The business of that city is not large enough to give occupation to, or provide a reasonable compensation for so large a number of Justices, and the temptation is strong to increase the business by unnecessary and vexatious trials. The standard of qualification might be greatly elevated by reducing the number, and thus affording a competent living for qualified and honorable appointees.

The Managers of the House of Refuge, in pursuance of the terms of their charter, requiring an Annual Report to the General Assembly in January, 1873, filed in the Executive Deparment their Report for 1872, as the Legislature was not then in session; and that Report is herewith transmitted. I have personally examined the condition of this Institution, and observed its beneficial effects, and can commend it, as entitled to your confidence and liberal support.

The receipts on account of the Oyster Fund, for the past fiscal year, amounted to.....		$65,490 55
The expenditures for the same period were on the following accounts, viz:		
Salaries and expenses of the State Fishery Force.....	$18,909 90	
Numbers for Dredging Boats.....	460 00	
Advertising and printing.....	18 26	
Costs of suits.....	185 32	
Repairs of Vessels.....	5,197 27	24,770 75
Excess of receipts for 1873.....		$40,719 80

The receipts for 1873, exceed those of 1872, by the sum of $14,708.28.

No ingenuity can devise a law which will be acceptable to the diverse interests, engaged in the Oyster trade. Certain it is, however, that no satisfaction, nor any approach to it, can be attained, until material changes are made in the present "Oyster Law," as it is commonly termed. It would be better to repeal absolutely the Act of 1870,

Chap. 364, and remit the whole subject to the counties, as prior to 1867, unless the boats of the Police Force are increased in number.

If the present system of a general Oyster Police is continued, guard-boats should be placed in every locality, where dredging is prohibited, and those places thus practically closed.

It is not consistent with reason to expect, that a Force provided with one steamer and two sloops, can protect all the oyster beds on both shores of the Bay, where dredging is prohibited, against the incursions of six hundred fast sailing vessels. That there should be complaints of a violation of the law, and a non-enforcement of its penalties against *all* wrong doers, is not remarkable.

The law itself is full of defects. Its machinery is disturbed by conflicting provisions, and the absence of distinctness in many important points, renders it open to all sorts of disputation, as to the real intention of its framers. Such absurdities in a penal Statute should be remedied without delay.

If it is intended, that the Commander of the steamer and the Captains of the sloops are to serve the process, issued by Justices of the Peace, upon information made before the latter officers, then the law should plainly so provide.

Would it not be proper to define in the law, what acts should be considered and taken as *prima facie* evidence of the violation of the law? Is it right that a party, not detected in the act of violating the law, shall be punished, upon what a Justice of the Peace may deem suspicious circumstances?

I commend for your consideration the whole subject, as one demanding your prompt attention, as the troubles arising between the clashing interests now engaged in the

Oyster business, may culminate, at some time, in serious difficulty.

The Act of 1870, Chap. 297, empowering the Governor to appoint a commission of two competent persons to inspect the Bay, Marine and River Fisheries of the State, and to report upon the same to the General Assembly, &c., was not acted upon by my predecessor, for reasons stated in his Message to the General Assembly, at its session in 1872, and the Act expired, then, by its own limitation. The law could not have been properly executed, and competent Commissioners secured, for the compensation therein named.

I earnestly recommend its re-enactment, with the provision, however, for the appointment of one Commissioner for two years, at a salary of fifteen hundred dollars per annum, and with a contingent fund for experiments and expenses of one thousand dollars per annum.

With this small expense, some steps can be taken towards increasing the number of fish in the Bay and Rivers of the State.

The subject has called for action in many of the States, where the augmentation of the fish supply has fully compensated for the pecuniary outlay in providing Commissioners, and securing the proper means for stocking the streams.

Experienced pisciculturists have designated Maryland as a "celestial land for fishermen," and it is their opinion that shad, herring and rock can be increased, by a little effort, to numberless quantities.

The successful introduction of the black bass into the Potomac, should be an incentive to prompt and effective action towards the increase of this food in other rivers of the State. In my judgment, it will be a cause of just

reproach if this session is suffered to pass, without legislation on this subject.

I regret to inform you that the Commissioners (appointed by the Act of 1868, Chapter 370, and continued by the Act of 1872, Chapter 210,) to meet similar Commissioners appointed by the State of Virginia, to settle and adjust the Boundary Line between the two States, have been unable to agree upon any compact, fixing and establishing such a line. The Maryland Commissioners have been active and diligent in the discharge of their duties, and lost no opportunity, which offered, to adjust the disputed line, upon terms of honorable compromise, but the demands of either side were so wide apart, that no adjustment could be reached. Their report in full, with accompanying documents, will be laid before you by the Secretary of State. I can recommend no action on your part, until the authorities of Virginia shall determine to bring a suit at law, or appoint a new Commission, with better hopes of success in a final agreement between the States.

Since the adjournment of the Legislature in 1872, the Court of Appeals has reversed the decision of Judge Dobbin, who had caused a judgment to be entered in the Superior Court of Baltimore city, in favor of the State, against the Baltimore and Ohio Rail Road Company, for $281,-489.39 *in gold*, with interest from March 1st, 1872—that being the difference between the value of currency paid by way of dividends on the State's Preferred Stock, and of gold, which the State contended it was entitled to receive, up to January 1st, 1870.

The Court of Appeals declared, in its opinion, that "the six per cent. guaranteed dividend was and is payable by the Company in money generally, and not *in gold specifically*.

In the suit by the State against the said Company for the recovery of the one-fifth of the receipts from passenger

travel, the Court of Appeals, having decided in favor of the State, judgment was duly entered in the Superior Court of Baltimore city, on 1st December, 1871, for $351,290.18, with interest from that date. Since then, this case has been taken, by writ of error, to the Supreme Court of the United States, under the provisions of the Act of September 24th, 1789, Sec. 25, and of the Act of February 5th, 1867, Sec. 2.

On the 27th of February 1873, I addressed a letter to the counsel for the State, requesting them to press the case to final determination as soon as practicable.

In March 1873, a motion was made by the counsel for the State, to dismiss this appeal, because of want of jurisdiction in the Supreme Court, and this motion was duly argued upon printed briefs, by the attorneys for both sides, and submitted to the Court at its last term, but, up to this moment, no decision has been promulgated by that tribunal.

In the case, wherein a bill was filed in the Circuit Court for Baltimore city, invoking the equity jurisdiction of that Court, to ascertain the correct apportionment of the earnings of the Washington Branch Road, and the Main Stem between the city of Baltimore and the Relay House, no progress has been made, since the adjournment of the Legislature of 1872.

It is presumed, that the delay has been occasioned by a desire to know the determination of the Supreme Court in the case, involving the main question at issue.

These three cases cover the whole subject of controversy between the State and the Railroad Company, to which public attention was called by my predecessor.

I have no information to communicate in regard to the Annapolis and Elk Ridge Rail Road Company.

The extraordinary provision of law, which places the control of its affairs in the hands of the private stockholders,

who hold about $52,000 of the stock against $300,000 owned by the State, renders the State's interest in this road subordinate to the wishes of those, representing one-seventh of the capital stock.

The Act of 1872, Chapter 425, authorizing the extension of the road to the Harbor of the city of Annapolis, and the issue of bonds, secured by a mortgage upon all the property of the Company, was certainly understood by the Governor to have sole reference in all its parts, giving such authority, to the extension of the road to the Harbor of Annapolis. No such extension has been made, and yet a large number of the bonds have been issued and sold, (to what extent I am not advised,) and I suggest to you a thorough investigation of the subject, that the interest of the State may be properly protected.

The Metropolitan Branch Road has been completed and is in successful operation.

The Baltimore and Potomac Rail Road, opened since your last Session, seems to be successfully conducted, and will, doubtless, in time, greatly improve in value the lands, through which it is laid.

The Baltimore and Drum Point Rail Road has been slowly progressing; and the Southern Maryland Rail Road, I am informed, is also now in process of construction.

The Western Maryland Rail Road has been completed to Williamsport, and is in active working condition.

So far, therefore, as the prosperity of the State is promoted by the construction and operation of railways, it is now at the height of successful experiment.

The Northern Central Railway Company has duly paid the annuity of $90,000.00, secured to the State under the provisions of the Act of 1854.

The Susquehanna and Tide Water Canal Company has also discharged its obligations to the State.

The Act of 1870, Ch. 476, imposes on the Secretary of State the duty of recording and carefully preserving in his office, all charters for Railroad Companies, incorporated under that Act, and copies of the same, duly certified by him, under the Great Seal of the State, is made evidence of the existence of said Company. The labor thus thrown upon this officer is not compensated for in any way, and the business of the Executive Department is often delayed by the demand for certified copies of such certificates of incorporation, frequently needed, in great haste, for use in Courts or in inquisitions before juries, for which copies no fees are chargeable.

I suggest, that a proper charge be required for the recording of every certificate of incorporation of a Railroad Company, and also for a certified copy of the same; which fees shall be collected by the Secretary of State, and paid into the Treasury.

It is a matter worthy of consideration, whether a law, involving such important interests, and under the provisions of which such vast amount of capital may be invested, should not, in its framework, comply with Section 29 of Article 3 of the Constitution; for though the requirements of that Section, in relation to the amendment of any Article or Section of the Code of Laws, may be considered as merely directory, and not mandatory, still it may be wiser to put the matter beyond doubt, by rectifying the informality, by proper legislation at this time.

That part of the General Law for the formation of corporations, relating to Homestead or Building Associations, (Art. 26, Sec. 84, &c., of the Code,) needs modification. As now in force, it enables these Associations to demand and exact from the needy borrower the most exorbitant rates of interest. They should be prevented, by express prohibition, from the issue of their own promissory notes in lieu of money, for the loans made to borrowers. Power

should also be given to the Courts, having equity jurisdiction, to wind up insolvent Building Associations, through the agency of a Commissioner, appointed at the instance of a creditor or shareholder, whenever the insolvency of the Association can be made apparent.

The necessity for immigration, to supply the lost labor and to advance the material prosperity of the State, is too apparent for discussion. Since the expiration of the term of office of the Superintendent of Labor and Agriculture, the State has had no agency at work to turn the tide of immigration to our borders. Efforts must be made to acquaint the foreigner, intending settlement in these States, with the great advantages to be derived by remaining on the seaboard, instead of pursuing his journey to the far West. To this end, I earnestly recommend the creation of a Board of Immigration, similar to those appointed in other States, to take this whole subject in charge, and to furnish proper information to immigrants in relation to the salubrity of our climate, the fertility of soil, the cheapness of lands, the moderate State taxation, and the facilities of transportation to the markets of Baltimore and Philadelphia.

That such information contained in brief documents, printed in the English, German, French and Danish languages, and spread among the inhabitants of those countries, would be productive of most beneficial results, no one can doubt.

I have had such applications for information of this character made by prominent foreigners, but have had no proper documents to furnish to the inquirers.

One of the most objectionable features of our present Constitution, is the Section of Article 1, relating to a uniform registration of all the voters in the State, which section was copied from the Constitution of 1864. In

my judgment such a system tends to furnish the machinery for fraud, more perfectly than any which could be devised. The purity of the ballot-box can be far better preserved by the entire repeal of this system, and by the division of the present election districts and wards into a larger number of voting precincts, and by providing Judges and Inspectors of Election, who could subject the voter to full and close inquiry on the day of election.

It is consistent with reason, that the right of a person offering to vote can be more strictly scrutinized in the presence of such officers of election, and of challengers, representing contesting political parties, than by a single Officer of Registration, appointed from the ranks of one political organization, who has opportunity, if so disposed, to tamper with the registration lists. I suggest an amendment to the Constitution, striking out the fifth Section of Article 1. and its submission to the qualified voters of the State for adoption or rejection, as provided in Section 1, of Article 14, of that instrument. But should this suggestion not meet your concurrence, then it is submitted to your wisdom, whether some legislation is not necessary to protect the ballot-box from the intrusion of voters, not registered in conformity with the Registration Laws.

In some of the counties, and in some portions of Baltimore city, persons have been allowed to vote upon affidavits, made before Justices of the Peace, that they were entitled to be registered, altho' their names did not appear on the lists of voters furnished by the Registration Officers. Such conduct on the part of Judges of Election is in violation of the fifth Section of Article 1, above mentioned, but is justified by them on the absurd pretension, that the Enforcement Act of Congress compels such action. Legislation should also be had, punishing criminally all persons who shall conspire maliciously to procure the indictment

of any Judges of Election or Officers of Registration, for acts done in the performance of their official duty. Unless some provision of law is made to protect such officers, it will be difficult to secure the services of competent and honorable men in these places, for such persons will not undertake these duties, if, after the honest and faithful discharge of their public functions, they are to be dragged miles away from home; subjected to a criminal trial in the United States Court; required to procure, at considerable expense, legal aid for their defence, and to secure the attendance of their witnesses at their own cost, when the charge may be made from purely political hostility or private malice, by persons, whose pecuniary responsibility does not justify a civil suit for the recovery of damages.

The whole subject is of vital importance to our people, and should command your earnest and thoughtful consideration.

I refer you to the report of the Adjutant General for information, as to the condition of affairs in his department, as well as to the efficiency of the "Maryland National Guard."

His suggestions in regard to a revision of the Militia Laws, and a mode of computation of the available militia force of the State, are cordially commended to you.

The propriety of arming the militia with weapons of a uniform character, and the substitution of breech-loading muskets for the old fashioned muzzle-loaders, can scarcely be questioned. The recommendations of the Adjutant-General, regarding the proper lodgment with the Commander-in-Chief, of authority to direct the sale of valueless military property, from time to time, whenever it may be judicious; the establishment of a depot at Baltimore, for the storage of military equipments not issued; and for lib-

eral appropriations, to sustain and encourage the active organizations in the "Maryland National Guard," are fully endorsed and earnestly presented for your careful consideration.

While it is not desirable under a republican government, to keep a large body of militia subject to constant discipline, at a heavy expense, past experience demonstrates the absolute necessity of supporting a few regiments of well armed and skilfully trained soldiers, who can be relied on for prompt service in sudden emergencies, which are likely to occur in densely populated sections of the State. It has been my effort so to expend the military fund, placed at the disposal of the Commander-in-Chief, as to realize this desirable condition of things.

I invoke your earnest consideration of the condition of the lunatics in this State. Some are confined in the city and county almshouses, where it is impossible to give them experienced curative treatment; some are in private asylums and others in institutions, supposed to be under State control. There are no laws, in this State, regulating the manner in which paying patients shall be committed to these asylums.

There are provisions relating to writs *de lunatico inquirendo*, but many persons are incarcerated in these Institutions without any such formal proceedings, and are committed by their relations or friends, upon the mere certificate of one or more medical practitioners. This should not be permitted, but some strict and formal mode of procedure should be required by law, before any person should be deprived of his liberty, and sent to any of these asylums. Moreover, the Executive of your State has no power, either in person or by commission, to make a visitation or inspection of any Lunatic Asylum, *now in operation*, in Maryland. No matter how grievous might be the complaint of

ill treatment or unjust detention, he would be powerless to aid one of your fellow-citizens in confinement in these places.

The Act of 1853, Ch. 274, incorporating the "Trustees of the Sheppard Asylum," in its sixth Section, contains this proper provision, "that the books, accounts, papers, *grounds and buildings of the corporation shall, at all times, be open to the examination of the Governor of the State,*" *&c.*, which provision is greatly to be commended, and should be general in its character and scope.

You are aware, I presume, that at this time, there is no Lunatic Asylum, *belonging to the State of Maryland.*— The magnificent buildings and grounds, upon which the State has lavished, with such a generous hand, more than seven hundred thousand dollars, were, in pursuance of the Act of 1870, Ch. 200, transferred to the "President and Visitors of the Maryland Hospital," a private corporation chartered by the Legislature, by Act of 1827, Ch. 205.

The Act of 1870, directed the Trustees of the Maryland Insane Asylum at Spring Grove, Baltimore county, "*to transfer by deed, all the real estate and other property belonging to said trust,*" to the said private corporation, and it has since exercised the right of absolute ownership over it, and has put upon a part of the property, a ground rent of $900 per annum, redeemable in 18 months from February 1873, on payment of $15,000. Notwithstanding this transfer of title, the President and Visitors of the Maryland Hospital obtained from the Legislature of 1872, authority for the issue of a State loan for $330,000, to complete the said buildings at Spring Grove.

I am informed that another appropriation will be required for the complete furnishing of the buildings, but no action should be taken until the property is restored to the State, in the same manner as it was held prior to the

Act of 1870. The *use* of the buildings and all appurtenances, can be given to the President and Visitors of the Maryland Hospital, but the title to the property should be lodged in the State.

The Institution is a noble one; is designed in the very best manner for its purposes, and appears to be managed with skill and discretion, and under proper restrictions, should be adequately supported by the State. It has only about 120 patients at this time, while it could comfortably accommodate and care for 250. Some legislation should be had, compulsory in its character, by which the County Commissioners and other authorities, having the care of pauper lunatics, should be required to select such persons, who, in the judgment of competent physicians, can probably be cured, and send them to this Institution, where one-half of the expense of the Board and care of the patient should be charged to the State, and the other half to the county or city, from which the patient is sent.

It is impossible, that this immense undertaking can be properly sustained, unless the building is filled to its utmost capacity.

The State has embarked in a most laudable undertaking, in the establishment, at Frederick, of the Institution for the education of the Deaf and Dumb, and the completion of the building according to the original design, is not only desirable, but, in my judgment, a positive duty.

The purpose of the Legislature of 1872, was retarded by the failure of the bill, creating a debt of $100,000, for the benefit of this Institution. The draftsman of that measure, while preparing the details for the contraction of the debt, omitted the provision, commanded in Section 34, of Article 3, of the Constitution, in regard to its extinguishment, and consequently the bill failed to receive Executive approval.

I trust you will act, promptly in the spirit of your predecessors, and renew their appropriation, adding to it a sum sufficient to put the Institution entirely out of debt.

Personal observation has satisfied me, that your confidence in the almoners of your bounty in this regard, is well placed, and that none of the public charities is more worthy of your generous aid. It is essential, that our citizens should distinctly understand, that this Institution is not a retreat for the support and care of the unfortunate, but a school of learning, where the blessings of an ample education may be secured by a course of study, rarely exceeding seven years.

It is, therefore, greatly to be regretted, that the benefit of such an education is not fully availed of by the parents of the Deaf and Dumb throughout the State.

The census of 1870, shows 175 deaf mutes of proper school age, in Maryland. It is sincerely to be hoped that all of these may soon be brought under the care of this establishment.

The report of the Visitors for the year ending December 31, 1873, will be laid before you, and furnish full proof that my estimate of their public service is well founded.

The Asylum for the Blind, continues most satisfactorily, its work. Its management is judicious, and the education of the pupils seems to be as complete as possible.

The law requires me to report to you, the amount of money expended, and the names, ages and places of residence of the beneficiaries of the State, in this Institution. The amount paid for 1872, was $12,699.67; and for 1873, $11,375.00, while a list of the parties enjoying the State's bounty, will be furnished with this communication.

The appropriation for the education of the Deaf, Dumb and Blind colored children of the State, at the last session,

has been judiciously expended, and is likely to produce beneficial results.

I commend to your consideration, the Maryland Inebriate Asylum, a recital of whose work for the past year will be laid before you in the report of the President and Trustees.

That the community owes a duty to this class of our citizens, afflicted in many instances, by long continued disease, and often by hereditary taint, is a question scarcely open for disputation. Little has been done heretofore, by the State, to foster this Institution, but I earnestly invoke your help to enable the officers of the Asylum to put it on a firm foundation, and enlarge its capacity for good.

I am strongly impressed with the belief, that great benefit would enure to us by the establishment of a State Board of Health.

All sorts of expedients are devised for the enrichment of the soil, the improvement of roads, the building of bridges and the laying of rails, that immigration may be attracted to our State, while the healthfulness of the rural districts seems to be wholly neglected. Surely, nothing can conduce so much to the prosperity of a community, as the assurance, that all malarious influences and all nuisances, which tend to beget sickness, or aid in its spread, are carefully inquired into, and promptly abated. Men of good practical sense and medical experience, might do much towards the prevention of maladies, and the establishment of a reputation for healthfulness in those portions of our State, where malarious diseases are most prevalent.

Such a Board might be composed of one member from each Congressional district, outside of Baltimore city, and the Commissioner of Health, of that city. This Board would be greatly aided by a local Health officer in each county, to act with, and carry out the suggessions of the

State Board. This Board could visit and inspect all the almshouses, prisons, asylums and reformatory institutions, aided by State appropriations, and report upon their condition and their title to State support.

In its visitations to these public institutions, it could call in the aid of philanthropic women, whose quick observation could more readily detect the abuses or omissions of duty on the part of the subordinates, employed in such places, who are too often guilty of cruelty and neglect.

It could see, that the laws of health were, at all times, properly considered and observed by the people, and during the prevalence of epidemical diseases, it could enforce the adoption of proper precautionary measures to prevent their spread.

Its members, in their respective districts, could be required to inspect the dairy farms, in those counties, where milk is sold in quantities, for the supply of the cities and towns of the State, and to analyze the milk itself, from time to time, and, thus, detect impurities and prevent the introduction among the people, of typhoid fevers and other diseases, which are often communicated by the use of this indispensable article of diet, into the thickly settled portions of a State.

In case of the appearance of small-pox, the Board could see to the procurement of healthy virus, and put in operation, the machinery for a general vaccination of the population.

The anxiety in the public mind, as to the value of medical expert testimony, in criminal trials, has become somewhat aroused by recent cases in Pennsylvania and Maryland, and I suggest it, as a matter worthy of reflection, whether it would not be better, in criminal cases, to try the question of sanity, by medical men, anterior to a trial of the facts before a jury.

In such case, the Board of Health, here proposed, might sit, as triers on the question of sanity or not, without being mystified by the learned disquisitions of medical experts, retained by the accused, or summoned by the State to aid in the prosecution of the case.

The reports of the "State Vaccine Agent," for the years 1872, and 1873, will be laid before you by the Secretary of State.

The Congress of the United States, by the River and Harbor Improvement Act, approved March 3rd, 1873, appropriated $15,000 for the improvement of Chester River at Kent Island Narrows, but the expenditure of the money in that direction, has been suspended by order of the Secretary of War, until the Legislature of Maryland shall repeal the law, permitting a solid causeway between Kent Island and the main land, or shall provide by law for a bridge, in lieu of the solid causeway. The Acts of January 21st, 1820, February 10th, 1821, and April 8th, 1870, are the Statutes which should be repealed or modified, before the money, appropriated by Congress, can be used for this improvement. I recommend your prompt action upon this subject, and to facilitate your investigation in this regard, I herewith submit certain communications from the Secretary of War, touching the matter.

In this connection, I desire to call your attention to the necessity of constructing the Ship Canal, wherewith to connect the waters of the Chesapeake and Delaware Bays, and to provide an out-let for ocean bound vessels.

The suggestion has no novelty in it, and, indeed, the matter was so fully canvassed before the Legislature in 1872, and its importance so clearly set forth in the Report of the Joint Committee, appointed on that subject, and in the address of Senator Earle, appended to that report, that further advocation in behalf of the improvement would be superfluous. Were it not for the prohibition to the grant-

ing of State aid to works of Internal Improvement, contained in Section 34, of Article 3 of the Constitution, I should commend this necessary work, to your consideration for financial help by the State, but I can only urge upon you the passage of resolutions, calling upon your representatives in Congress to press upon that body, the subject as one of national importance.

Since the last Session, Garrett county has been organized out of the Territory of Allegany county, under the provisions of Section 1, of Article 8 of the Constitution. The Act of 1872, Chapter 212, was most imperfectly prepared in its omission of important details, essential to the creation of a new county, and many perplexing doubts have arisen as to the proper execution of that Act.

The 4th Section limits, to three, the number of delegates to the General Assembly from Allegany county, although that county was entitled to four delegates at the last Session of the Legislature.

It will be for the House of Delegates to determine whether, after the proclamation of the Governor, called for in the 5th Section of Article 3 of the Constitution, apportioning the delegates to the several counties and to the city of Baltimore, there can be any change in the number of the delegates so apportioned to each county then existing, and to the city aforesaid, until the taking of the next National census, or after a State enumeration of population, directed by proper legislation.

There was an omission in the Act aforesaid, in not prescribing the number of Justices of the Peace for Garrett county, in conformity to Section 42, of Article 4 of the Constitution; nor was any authority given to the Governor to appoint Officers of Registration. There was also a failure to provide, properly, for the ascertainment of the

will of a majority of the voters of that county, as to the location of the county seat.

Appropriate legislation will be needed to supply the defects of this law, and for the more complete organization of the new county.

On the 10th December 1872, I received into my custody, on behalf of the people of Maryland, the statue of the late Chief Justice Taney, erected, in pursuance of Acts of the Legislature of 1867 and 1870, under the supervision of the committee, appointed for that purpose. The report of the committee is herewith transmitted. The completion of this splendid work of art, and the circumstances, which induced the action of your predecessors, in directing its execution, call for some more formal ceremonies, than those which attended its delivery to the Executive, and I therefore suggest the passage of a proper resolution, inviting some prominent citizen of Maryland to deliver an oration, in commemoration of the life and character of the late Chief Justice, before the Legislature, either in the hall of the House of Delegates, or in the State House grounds, upon some day, which may be designated, for the formal inauguration of this statue. Will you pardon my suggesting the 17th day of March, as the proper day? for it will be the anniversary of his birth-day.

Under the provisions of Chapter 207, of the Act of 1872, the Governor was requested to instruct the Attorney-General to appear and defend certain State officers and others, indicted in the United States District Court, and to employ counsel to assist the Attorney-General in defending these prosecutions.

After calling upon the Attorney-General, I deemed it important to have counsel associated with him, not only learned in the law, but familiar with the lines of the different Election Districts of Anne Arundel county, and

acquainted with the parties accused and their standing in the community, and with the character of the witnesses, and therefore I employed W. Frank Tucker, Esq., of the Annapolis Bar, who was occupied, for a long time, in the trials, and rendered valuable services to the accused. Under the terms of the law, the amount of compensation for his services is to be determined by the Legislature.

The Act of 1872, Chap. 153, in relation to the inspection of steam boilers in Baltimore city, needs general revision and modification.

It will not be completely effective for the protection of human life, unless there is a repeal of the 15th Section, which allows the certificate of a "Steam Boilers' Insurance Company" to override the demand for inspection by the State's officer.

There should be some appropriate legislation for the protection of human life against accidents, occasioned by the use of illuminating oils. The number of deaths caused by the explosion of such oils, has been so fearfully on the increase, that proper penalties ought to be provided for the punishment of those persons who sell oils which cannot stand proper fire-tests. An examination of the Act of 1870, Ch. 266, will disclose the utter uselessness of its provisions for the attainment of this object.

I herewith transmit the Report of the Trustees of "Washington Cemetery," incorporated by the Act of 1870, Ch. 213, giving an account of the expenditure of the five thousand dollars appropriated for the purchase of a final resting place of the Confederate dead, and all others of both Armies in the late war, who fell in the battles of Antietam, South Mountain, Monocacy, and other places in the State of Maryland, and at Gettysburg.

The suggestions of the Report are commended for your consideration and action.

173499

You are aware of the proposition to celebrate, in Philadelphia, the one hundredth anniversary of the Independence of the United States. The preliminary steps have been taken, and the matter brought before the Legislatures of many States.

In compliance with the requests of the President, and of the Director-General of the U. S. Centennial Commission, I herewith transmit for your consideration and action, several communications bearing upon the subject.

The Representatives of this State at the present time, are Hon. James T. Earle, Commissioner, and Hon. John W. Davis, Alternate. Senator Earle was appointed in the place of Wm. Prescott Smith, Esq., deceased.

Good Friday has been observed for several years past, as a close holiday by the Courts, and by the Stock and Produce Boards, and the Boards of Trade, in this and other cities of this country, as well as in London.

As the day is not recognized, in the law providing for the payment of bills of exchange and promissory notes, maturing on certain holidays, such as Christmas Day, New Year's Day, the Fourth of July, and Thanksgiving Day, the Banks are necessarily kept open, while all the Boards of Trade and Exchanges are closed. I deem it, therefore, not out of place to suggest the amendment of the Act of 1862, Ch. 70, (Code 1861–7, Art. 14,) by the insertion of Good Friday as a legal holiday, so that the Banking Institutions may be closed, as well as the stores and counting-houses of the tradesmen and merchants.

The accounts for the disbursement of the Executive Contingent Fund for the years 1872 and 1873, are ready to be submitted to such committee as may be appointed to inspect the same, and I respectfully request the appointment of such committee.

By Chapter 432, of the Act of 1872, the sum of three

thousand dollars was appropriated for the purpose of providing additional furniture for the Government House. The committee having the matter in charge have expended, in the purchase of articles absolutely necessary, the sum of $1,868.61, leaving undrawn, in the Treasury, the balance of the appropriation, amounting to $1,131.39.

The vouchers for the disbursements have been lodged with the Comptroller, as required by the Act, and I request, that the same be inspected by a proper committee.

It occurs to me, as eminently proper, that formal notice should be taken of the munificent gifts of the late Johns Hopkins, of Baltimore county, to the University and Hospital, organized at his instance, and bearing his name; and it is recommended to you, that by proper legislation, the devises and bequests to these institutions, founded as they are, for noble public uses, should be released from the imposition of the tax upon collateral inheritances, &c., authorized by the Acts of 1864, Chapter 200.

In pursuance of the request contained in a Resolution of the General Assembly of Virginia, I herewith transmit a Special Message of Governor Walker to that Body, on the 17th February 1873, recommending the assumption and payment of the existing debts of all the States by the United States Government. The General Assembly of Virginia, by their said resolutions, approved the proposition of Governor Walker, and request your concurrence therein.

I enclose also, with this communication, a letter and address from his Excellency, John McEnery, Governor of Louisiana, dated March 13th, 1873, giving an account of the condition of affairs in that State at that period.

To these papers I invoke your calm attention, as furnishing strong evidence of the tendency, in some quarters to subvert the State Governments.

I respectfully call upon you for prompt and early action upon all matters of legislation, which are important to the public interest.

My duty requires a careful examination of all bills, and I found great embarrassment in disposing of the accumulated mass, at the close of the last session, and some failed to become laws, because of objectionable features, which I could not overlook, but which might have been rectified, had there been time for their revision by the Legislature.

The brief period allotted by the Constitution for your session, will barely afford you time to consider and mature plans for the amelioration of the internal affairs of the State, and, therefore, I have refrained from the discussion of matters of national importance, leaving the honor and interests of Maryland in that regard, in the hands of your Representatives at Washington.

I need not assure you, that any measure of legislation, tending to promote the prosperity, and elevate the character of our people, will receive my cordial co-operation and sanction.

WM. PINKNEY WHYTE.

Executive Department,
January 7th, 1874.